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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,852	04/02/2001	Richard G. Hyatt JR.	P56206	7184

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EXAMINER

DONOVAN, LINCOLN D

ART UNIT

PAPER NUMBER

2832

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/822,852

Applicant(s)
Hyatt Jr. et al.

Examiner
Lincoln Donovan

Art Unit
2832



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on interview of 01-08-03.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5 6) ☐ Other:

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DETAILED ACTION

Election/Restriction

1. In response to an interview on 01-08-03 the examiner agreed to withdraw the restriction requirement.

Claim Objections

2. Claim 15 is objected to because of the following informalities: in line 4. "pari" should be corrected as -- pair ---. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15, 18 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donovan [US 4,288,944] in view of Kerschenbaum et al. [US 4,800,741] and Lofstrand [US 4,503,411].

Donovan discloses a lock assembly [10] mounted within a housing [12, figure 2] containing a pair of spaced apart detents [62], the housing being positionable to control access by alternately positioning and the detents in a locked state and an unlocked state where a pair of movable members

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[56] controlled by operating mechanism [104] to slidably position the members to maintain the locked state by engaging corresponding ones of the detents and placing the lock assembly in the unlocked state by disengaging the members from the detents.

Donovan disclose the instant claimed invention except for the lock being operated magnetically and the members being plungers of the magnet.

Kerschenbaum et al. discloses a lock assembly [figure 1] being operated by means of a plunger [8] controlled by a solenoid [17].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a solenoid for the operating mechanism of Donovan, for the purpose of providing remote controlled access to the lock assembly.

Lofstrand discloses a solenoid [10] having a pair of plungers [42] disposed to move in opposing directions upon energization/deenergization of the solenoid.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the plunger design of Lofstrand for the movable members/or to operate the movable members of Donovan, as modified by Kerschenbaum et al., for the purpose of enabling the solenoid to control both lock members.

5. Claims 16-17 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donovan, as modified, as applied to claim 15 above, and further in view of Tabata [US 4,656,850].

Donovan, as modified, disclose the instant claimed invention except for the solenoid having an air vent extending between a central portion of the bore and an exterior of the mechanism.

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Tabata discloses a solenoid [22, figure 3] having an air vent [27] extending between a central portion of the bore and an exterior of the mechanism.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an air vent in the solenoid of Donovan, as modified, as suggested by Tabata, for the purpose of relieving excess pressure on the plungers.

Allowable Subject Matter

6. Claims 1-14 and 23-24 are allowed.
7. Claims 19-20 and 25-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lincoln Donovan whose telephone number is (703) 308-3111.

The fax number for this Group is (703)-872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1782.

LDD

July 1, 2003


LINCOLN DONOVAN
PRIMARY EXAMINER
GROUP 2103